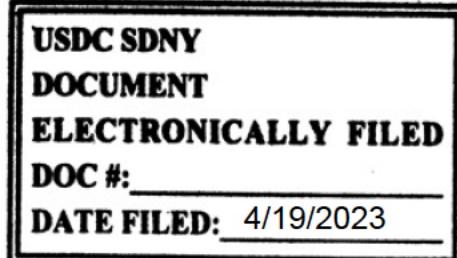




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April 13, 2023



VIA ECF

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The Honorable Robert W. Lehrburger
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Hedgeye Risk Management, LLC v. Dale et. al.*, No. 1:21-cv-3687 (ALC) (RWL)

Dear Judge Lehrburger:

Plaintiff Hedgeye Risk Management, LLC writes seeking an order compelling the Terman Defendants to provide unredacted copies of production documents.

The Terman Defendants produced in discovery the email message submitted herewith as Exhibit A. As the Court can see, a significant portion of the email thread is redacted. Hedgeye has asked the Terman Defendants by email to provide an unredacted copy of the document or to specify why the document was redacted, and they have refused to do either of those things. Importantly, they have not specified any type of privilege or immunity.

Hedgeye respectfully requests that the Court order the Terman Defendants (a) to provide an unredacted copy of Exhibit A and any other such redacted documents or (b) to specify in a privilege log the privilege or immunity that is the basis for the redactions.

Respectfully submitted,

Thomas E. Wallerstein

The application is denied without prejudice. The parties shall meet and confer and agree upon a date for exchange of privilege logs. The Court notes that the redacted area on Exhibit A appears to redact not only the content of the message but also information about sender, recipients, date, subject, etc. Generally, such non-content information should not be redacted.

SO ORDERED:

4/19/2023

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE